



## GREENWOOD COMMON COUNCIL JANUARY 4, 2006 MINUTES

President Bruce Armstrong called the meeting to order at 7:00 p.m.

The audience recited the Pledge of Allegiance in unison, after which the Rev. Dane Sinn of the Smith Valley Baptist Church led in prayer.

<b>PRESENT:</b>	Council members Bruce Armstrong, Ron Bates, Bill Bless, Ron Deer, John Gibson, Keith Hardin, Jessie Reed; Deputy Clerk Kathie Fritz; and City Attorney Shawna Koons-Davis. Mayor Charles Henderson was unable to attend.
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Mr. Bates moved to approve the minutes of the regular session of December 19<sup>th</sup>, with second by Mr. Hardin. Vote: Ayes.

Arnold Kaptain, Office Manager for the Sanitation Billing Office, reported on a meeting with Republic Services, our trash contractor, on December 28<sup>th</sup>, to discuss customer concerns. Mr. Kaptain distributed a letter of his response to the meeting and a sample of the agenda signed by Republic Services drivers. Mr. Kaptain indicated that complaints received in his office are less than .5% of the pickups that Republic handles. During 2006 Mr. Kaptain's staff will keep track of complaints and provide reports to the Council. This is the third year of a three-year contract that expires in November, 2006. Republic has changed customer service managers to improve their service.

Ms. Koons-Davis had distributed her litigation report. Mr. Hardin asked about the James Martin case, where a police scanner was confiscated. The Secretary of State was bringing charges against the plaintiff, who is suspected of using a computer to commit various means of financial fraud. The State asked our police department to search the premises and confiscate certain property. On December 16, 2005 the Prosecutor notified the City that it did not need the police scanner as evidence in the criminal proceeding and the City made arrangements to return the police scanner to Plaintiff Martin. Counsel further replied to Mr. Deer that the Indiana Land Corp case was appealed through the U.S. District Court of Appeals in Chicago and has been resolved to our benefit.

Mr. Bates noted that there was no Plan Commission meeting the last week in December.

For Solid Waste, Mr. Gibson reported that there will be an election soon to replace a County Commissioner on the board. The office manager, Linda Atwell, is resigning as well.

**ORDINANCE No. 05-33** – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 4 Acres Located on the Southwestern Corner of Stella Drive and State Road 135, Commonly Known as the Waltz Property. **POSTPONED FOR 1<sup>ST</sup> READING UNTIL FEBRUARY 6, 2006 MEETING.**

**RESOLUTION No. 05-18** – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan for the Annexation of Approximately 92.186 Acres Located Southwest of the Intersection of County Road 700 North and County Road 125 West, Referencing Annexation Ordinance No. 05-38. Mr. Hardin moved to pass Resolution No. 05-18 through first reading. Second by Mr. Bless. Vote: Ayes. **PASSED FIRST READING.**

**ORDINANCE No. 05-37** – An Ordinance Amending the 2006 Salary Ordinance, Common Council Ordinance No. 05-12, Regarding the Police Department to Fund Two (2) Second Class Patrolman Positions. Mr. Bates moved to pass Ordinance No. 05-37 on first reading, with second by Mr. Hardin. Ms. Koons-Davis indicated that these two positions will need to be funded for the period of time that they

are second class patrolmen, until they receive their promotions. Captain Woolen described the three-step promotion process. There was discussion as to the adjustment of \$2,783 above the 3% increase. Mr. Hardin moved to amend the ordinance to take out the adjustment and leave the increase of 3%, leaving the salary at \$39,894. Second was by Mr. Bates. Vote on amendment: Ayes. Motion carried. Roll call on first reading as amended: Ayes. **PASSED FIRST READING.** Mr. Bless then moved to suspend rules in order to consider second reading. Second by Ms. Reed. Vote: Ayes. **RULES SUSPENDED.** Mr. Hardin then moved to pass Ordinance No. 05-37 through second reading. Second by Mr. Bates. Vote: Ayes. **PASSED SECOND READING.**

**ORDINANCE No. 05-38** – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 92.186 Acres Located Southwest of the Intersection of County Road 700 North and County Road 125 West, and Commonly Known as the Clark Pleasant Community School Corporation Property. **POSTPONED FOR FIRST READING UNTIL FEBRUARY 20, 2006 MEETING.**

**ORDINANCE No. 05-39** – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled “An Ordinance Establishing Comprehensive Zoning Regulations for the City of Greenwood, Indiana, and Providing for the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith” (Proposed Rezoning of 0.713 acres, located at 801 N. Madison Avenue, commonly known as the Shaffer Property). Mr. Gibson moved to deny Ordinance No. 05-39. Second by Mr. Hardin. No representatives from the petitioner were present. There was an unfavorable recommendation (8-0) from the Plan Commission. Remonstrators presented a petition opposing the rezoning along with pictures to be put in the record (in attachments of this meeting). Vote: Ayes. **DEFEATED.**

**RESOLUTION No. 06-01** – A Resolution Confirming Resolution 05-14 The Declaration of a Certain Area Within the City of Greenwood an Economic Revitalization Area and Qualifying Certain Real Property Improvements for Property Tax Abatement (BD Greenwood Development, LLC). Mr. Armstrong opened the public hearing. George Abel with Duke Realty represented the petitioner and gave a brief presentation describing the long term acute care facility planned for the property. In responding to a member of the audience, Mr. Thane Morgan, Mr. Abel stated that the project was modeled with a tax abatement in mind because of the cost involved. If it were another kind of use where the investment were much lower, he added, the tax abatement would not be as critical as it is to this project. He reminded the Council that the current taxes on the property are relatively minimal because it is undeveloped and that the worksheet has an estimate of the taxes that will be paid on the project. After more discussion the public hearing was closed. Mr. Bates moved to adopt Resolution 06-01. Second by Mr. Hardin. Vote: Ayes (Reed – Abstain). **ADOPTED.**

**ORDINANCE No. 06-01** – An Ordinance Providing For an Additional Appropriation From the Cumulative Capital Improvement Fund – Tax Levy (\$1,600,000) For Reconstruction and Repair of a Portion of Streets Located in the Valle Vista Subdivision. Ms. Koons-Davis indicated that the public hearing has been advertised for January 16, 2006. **INTRODUCED.**

At this point, Mr. Hardin nominated Ron Bates for Council President. Second by Ms. Reed. Mr. Hardin then moved that nominations be closed. Vote: Ayes. Nominations were closed. Roll call on nomination: Ayes (Bates – Abstain). Mr. Bates was elected Council President.

Mr. Bless moved that Keith Hardin be the Council representative to the Plan Commission. Second by Ms. Reed. Mr. Armstrong moved that nominations be closed. Second by Mr. Gibson. Vote: Ayes. By acclamation Mr. Hardin is the Council appointee to the Plan Commission.

Mr. Bless moved to reappoint R. Lee Money and Garnet Vaughn to the Redevelopment Commission. Second by Mr. Hardin. By acclamation Mr. Money and Ms. Vaughn are the Council appointees to the Redevelopment Commission.

Mr. Hardin moved to appoint Mr. Gibson to the Solid Waste District Management Board. Second by Mr. Armstrong. There were no other nominations. Mr. Gibson was appointed again to the Solid Waste District Management Board by acclamation.

During miscellaneous business, Ms. Reed brought a proposal from Jane Blessing, Coordinator of Partnership for a Healthier Johnson County for a smoke-free workplace policy. She passed out a packet which included a model ordinance. The Council will consider this.

Mr. Gibson mentioned that the stoplight for eastbound traffic at U.S. 31 and Main Street is still a problem. He also has a report from a resident on Patterson of excessive noise from the One Liners Club. Last, Mr. Gibson reminded the Council that the Senior Citizens Center has not submitted a financial report.

Mr. Hardin stated he is waiting on an engineering report for a stoplight at Main Street and Averitt Road.

Mr. Bates brought a request for a stoplight at West Main Street and Howard Road.

Mr. Deer had concerns about the 1782 Notice and the memo attached. First, it was confirmed that no Council action was needed at this time. Second, Aviation, which is not supported by tax money received a tax draw. Paige Gregory of Umbaugh is looking into this. Third, the Council asked if the Director of Operations had been informed about the amount of the tax draw for LRS and if the amount had been cut. The City Attorney confirmed that the D.O.O. was notified, but she has not spoken with him on the issue because she has been out for the holidays.

Mr. Hardin then expressed his concern about Barrington Drive and Braeside, as there is a pot hole large enough to cause a lot of damage to a vehicle.

Fire Chief Steve Dhondt reported that the Fire Department Awards Banquet will be Wednesday, February 8<sup>th</sup> at 7:00 p.m. at Jonathan Byrd's Cafeteria.

In response to Mr. Gibson, Chief Dhondt reported that about two-thirds of the concrete block is up for the new fire station and they should pour the slab soon. They are a little ahead of schedule.

Mr. Bates asked for a report on the Mayor's surgery. Mr. Armstrong indicated that Elaine Hullinger had told him the Mayor is home and recovering nicely.

With no further business, the meeting adjourned at 8:15 p.m.